

ARTICLE XXXIXA.

FORESTRY.

Roadside Trees.

13H. Permit required to cut down or trim; exceptional cases; penalty.

Miscellaneous.

16A. Cutting, burning, etc., trees or timber; penalty.

Roadside Trees.

15A.

The act of 1914, chapter 824, held constitutional and valid. Purpose of said act. The requirement of a permit from the board of forestry for the trimming or removal of roadside trees, so far as it affects proprietary rights, is a regulation merely and not a possible prohibition. The authority of the legislature to make reasonable provision for the protection of highway easements cannot be disputed. The constitution does not prohibit the delegation to a public board serving as a governmental agency of a function to fix charges for the inspection of conditions prior to the issuance of permits and for subsequent supervision. Act of 1914 upheld under police power. *C. & P. Tel. Co. v. Board of Forestry*. 125 Md. 666.

1914, ch. 824. 1916, ch. 548.

15H. Any person or persons who may desire to cut down or trim any roadside tree shall make application to the State Board of Forestry for a permit; except in the two following cases, (1) that where trees are uprooted or branches of trees broken in such manner that they shall come in contact with telephone, telegraph, electric light or other wires carrying electric current, or where such trees or branches shall endanger persons or property, such trees or branches of trees as the case may be, may be removed in such an emergency without first obtaining a permit from the State Board of Forestry, and (2) that trees standing within the right-of-way of unimproved public roads which have not been surfaced with either stone, shell, gravel, concrete, brick, asphalt or other improved surface may be cut down and removed by the abutting land owner for his own use without first obtaining a permit.

Any person or persons who shall cut down, trim, mutilate or in any manner injure any roadside tree, except as provided for in this section, without a permit from the State Board of Forestry or its duly authorized representative shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than five dollars or more than fifty dollars for each offense, which fine shall be payable to the State Board of Forestry for the purposes described in this sub-title.